

**CITY COUNCIL MINUTES**  
**March 26, 2012**

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, March 26, 2012 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President Connie Robinson presiding. The following business was conducted.

**These minutes are not intended to be a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.**

**ROLL CALL:**

Present: M<sup>c</sup>Ginn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

There being nine (9) members present and zero (0) members absent and nine (9) members representing a quorum, I hereby declare this session of the Common Council officially open.

**PLEDGE OF ALLEGIANCE**

This evening the pledge of allegiance will be led by Councilwoman Mosby.

**President Robinson:** Fellow Councilmen and those in the audience, welcome to the March 26, 2012 meeting of the Common Council.

**RECOGNITION OF SCHOOLS**

Are there any students in the audience who would like to be recognized?

**TEEN ADVISORY COUNCIL**

Will Boston

**COUNCIL ATTORNEY**

This evening John Hamilton is City Council Attorney.

**SERGEANT AT ARMS**

There is not a Sergeant at Arms this evening.

**READING AND AMENDMENT OF MINUTES OF PRECEDING MEETING**

Is there a motion to approve the minutes of the March 12, 2012 meeting of the Common Council as written?

Councilwoman Mosby moved and Councilman Weaver seconded the motion that the minutes of the regular meeting of the Common Council held March 12, 2012 be approved as written. Voice vote. So ordered.

**REPORTS AND COMMUNICATIONS**  
**IN YOUR MARCH 23<sup>RD</sup> PACKET:**

- \*City Council Agenda for March 26, 2012.
- \*City Council Meeting Minutes from the March 12, 2012.
- \*Committee Meeting Schedule.
- \*Revised Ordinance F-2012-1 and redline copy of F-2012-1.

- \*Ordinances G-2012-5 and F-2012-2.
- \*Resolution C-2012-3.
- \*Revised Rezoning Ordinance R-2012-5.
- \*A letter from Brad Mills, APC Executive Director regarding Ordinance G-2012-5.

**ON YOUR DESK THIS EVENING:**

- \*2011 Annual Financial Report from Mayor Lloyd Winnecke.
- \*State of Indiana Department of Local Government Finance Order.
- \*A copy of an Email from John Friend to Debbie Dewey concerning EarthCare.
- \*Birthday Invitation to The Koch Family Children's Museum of Evansville's Bicentennial Party.
- \*Evansville Bond Bank Financial Highlights.

Councilman Friend moved and Councilman O'Daniel seconded the motion to receive, file and make these reports and communications a part of the minutes of the meeting. Voice vote. So ordered.

**CONSENT AGENDA**

**FIRST READING OF ORDINANCES OR RESOLUTIONS**

<b><u>ORDINANCE G-2012-5</u></b>	<b><u>A.S.D.</u></b>	<b><u>MOSBY</u></b>
----------------------------------	----------------------	---------------------

An Ordinance amending the Municipal Code of the City of Evansville: Zoning Code.

<b><u>ORDINANCE F-2012-2</u></b>	<b><u>FINANCE</u></b>	<b><u>FRIEND</u></b>
----------------------------------	-----------------------	----------------------

An Ordinance of The Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations and repeal and re-appropriation of funds for various city funds.

<b><u>RESOLUTION C-2012-3</u></b>	<b><u>FINANCE</u></b>	<b><u>FRIEND</u></b>
-----------------------------------	-----------------------	----------------------

A Resolution of the Common Council of the City of Evansville Declaring an Industrial Recovery Site for 5401 US highway 41 North, Evansville, IN 47711

Councilwoman Mosby moved and Councilman Adams seconded the Motion to adopt the Consent Agenda First Reading as written. Voice vote. So ordered.

**CONSENT AGENDA**

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

<b><u>ORDINANCE F-2012-1</u></b>	<b><u>FINANCE</u></b>	<b><u>FRIEND</u></b>
----------------------------------	-----------------------	----------------------

An Ordinance of the Common Council of The City of Evansville, Indiana authorizing the issuance and sale of City of Evansville, Indiana Taxable Economic Development Revenue Bonds, Series 2012 (EarthCare Project), and the lending of proceeds thereof to EarthCare Energy, LLC and authorizing and approving other actions in respect thereto.

**Councilman O'Daniel:** Madam President, Would it be appropriate to re-open this discussion at this time. I would like to make one amendment or at least an addendum to the consent.

**President Robinson:** Can we do that now?

**Hamilton:** Is this the second reading?

**President Robinson:** Yes, it's the second reading.

**Hamilton:** You can do that now at the second reading.

**President Robinson:** Okay, Councilman O'Daniel.

**Councilman O'Daniel:** Yes, I would at this time like for Mr. Haney and Mr. Geldmacher at least, I don't know if it would be proper, to come to the podium. There has been some discussion about how we are going to pay back this five million and the like and obviously I want to take care of the city and the taxpayer's money as much as we possibly can. There has been a lot of leap of faith here. A lot of "you've got my word on it". We haven't seen all of the documents, but I am generally a trusting person until someone gives me a reason not to be. I'm glad that both of you have come forth to the council. I know that there has been a lot of due diligence done by Ms. Dewey and the City of Evansville and the Mayor, a lot of testimony in your favor, but with both of you acting as CEO's, since we don't have a written agreement to this effect, I would like at least some verbal understanding that in the event that we pass this that you two will enter into negotiations with the City of Evansville and sign an agreement that the city have a priority interest in the revenue the PPA in the event of one monetization, meaning that someone buy into the LLC Earth Care Indiana and not to subordinate the revenue stream from the PPA until such time as the five million dollar loan is paid off. Would you each agree to do that and if so, signify by saying that you would.

**Geldmacher:** I would agree to do that, yes sir.

**Haney:** I'd agree to do that.

**Hamilton:** I have a comment and maybe a question. I know Nick Cirignano from the City Attorney's office is here. What council is going to be voting on in third reading is an ordinance that incorporates a loan agreement between EarthCare and the City of Evansville. The Council then, once you approve that, you don't take further action. So that I don't know if Nick needs any further representations made or if you want any further record between the City and EarthCare, but what the council is voting on in the third reading, if it gets to that, is what's in front of you. I understand why you're asking for this representation but I want Council to understand that you don't get to vote on this again.

**Councilman O'Daniel:** That's my understanding, it's not legally binding with regards to this but I think it's important to have the two men that are running this company, or two of the men that are running this company, to make that representation in good faith since we are talking about, essentially their word and that when the City finalizes the contracts, that language to that effect will be in there.

**Hamilton:** I think they are making that representation to the City, so the City may have some remedies if they don't get the details of the contract worked out, if not, this Council.

**Cirignano:** I'm Nick Cirignano with the City Attorney's Office and I just think it should be clear what we are talking about here. I believe what Conor and I would ask him to elaborate to the extent he thinks I'm not properly representing what he said, is the point would be that documents would be negotiated between the City and EarthCare that would provide that the City would have a first priority lien on revenue generated by its power purchase agreement with Vectren or is it with other companies as well?

???I think it would be with ...inaudible ...here in Indiana as that would be the legal entity as I understand.

**Cirignano:** Okay, so it would be any purchase, and we can take a security interest in that revenue stream. And once, I don't know whether they would go and get a loan based on that or how they would do it, but we could certainly encumber the power purchase agreement and take a lien on that. It's my understanding that the City Council is, it is being put to City Council that this part of the deal would be our negotiation of a collateral assignment of that agreement upon such terms and conditions as approved by City Attorneys, is that correct?

**O'Daniel:** Yes, I think in general that's the nature of it. It makes me feel more comfortable that our five million dollar loan is not, well, it's secured to the extent that it possibly can. After that, lot of that is just gravy as far as I'm concerned. I'm worried about the first five million dollars that are the tax payer's money.

**Cirignano:** Sure, and that's not part of the deal right now. But, they have committed to doing that. It's my understanding.

**Councilman McGinn:** Ok, if I may, a question to ask on that. Is it part of the deal, is the security interest and the hardware and the generators that are purchased that's in addition to the PPH?

**President Robinson:** That's an addition, isn't it?

**Cirignano:** Correct.

**Councilman McGinn:** Okay, thanks.

**Cirignano:** John, does that satisfy?

**John Hamilton:** It does, but I want Council to make sure that they understand that this is not a conditional vote. You are approving what is in front of you. You are hearing some representations but your vote is not conditioned on that.

**Cirignano:** In that regard, I would put this to the folks from EarthCare. There's a certain letter agreement between the parties and what we have just discussed here is not part of that. I guess I would take their testimony or presentation here tonight is to agree to amending those terms because they don't presently exist in that letter agreement. Thank you.

**O'Daniel:** Obviously I know that this is not legally binding from the standpoint of your negotiations but you know when I'm making this vote I'm doing that on the word of a lot of the parties here. That it's going to be done and should it not be done. I think that would be the recourse that I would have is to expose that.

**Cirignano:** Sure.

**President Robinson:** Thank you. Committee Reports, Finance Committee, Chairman John Friend.

**COMMITTEE REPORTS:**

**FINANCE COMMITTEE**

**CHAIRMAN JOHN FRIEND**

**Councilman Friend:** Yes, Madam President, tonight we had a long meeting to discuss F-2012-1 as amended. It comes forth with a do pass recommendation, best I can tell.

**President Robinson:** Thank you. Can I have a motion to adopt the committee reports?

Councilwoman Mosby moved and Councilman Adams seconded the motion to adopt the Committee Report and move this ordinance to Third Reading. Voice vote. So ordered.

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE F-2012-1 as amended**

**FINANCE**

**FRIEND**

An Ordinance of the Common Council of The City of Evansville, Indiana authorizing the issuance and sale of City of Evansville, Indiana Taxable Economic Development Revenue Bonds, Series 2012 (EarthCare Project), and the lending of proceeds thereof to EarthCare Energy, LLC and authorizing and approving other actions in respect thereto

Councilman Adams moved and Councilman Weaver seconded the motion to adopt Ordinance F-2012-1 as amended and call the roll.

**McGinn:** I have an internal clock and I have to be of the belief that I would invest my personal money in something. I spend a lot of time wanting to hit that level and I can't pull the trigger on it. I've worked very hard and there are too many things on this that I have to take at face value, too many things that they say can't be proved, too many things that have to fall in place. And I also further believe that we are being asked to finance step eight in the MSL that has been provided and I think that should be done before we approve any funding. I don't think we should be part of the research and development, so I vote no.

**Mosby:** My constituents need jobs, I vote aye.

**Brinkerhoff-Riley:** I would first of all really like to thank Miss Dewey. I think you have done a fantastic job. You have worked exceptionally hard over the last two weeks, you booked a flight, you've really generated a lot of information and I didn't get a chance to speak to you personally but I believe that you are doing a fantastic job and I really appreciate the work that you've done on this project. I also really want to thank Mr. Haney and Mr. Geldmacher for coming. I love this idea and a lot of things about it but I too have this sort of instinct that says this is not an appropriate use of public monies at this stage. And I agree with Councilman McGinn and I vote no.

**Friend:** Again I would like thank all of the participants tonight. It's great coming out here and our City does need to move forward with new innovative technologies and whatever else. My concern is if I could have a little bit more time to get my arms around it, I would probably go for it. But with this, I would say nay.

**Lindsey:** I think Debbie has done a good job and you know I have a lot of reservations and I am not going to extend my voice pretty much. I didn't have much to say tonight because sometimes you have to listen to people that have more knowledge and more education and know to ask the right questions. My vote is no.

**Adams:** I think we've all done an awful lot of work on this particular project. I think from my mind's eye, the technology is there, I think the promise is there. We all talked about getting jobs as a basis for our work last year. I think the risks are minimal and I love the fact that these people are willing to add to their promise to my colleague to my right and I vote aye.

**O'Daniel:** I have really struggled with this over the last two weeks. Clearly the possibility of having 120 jobs is a wonderful thing. I don't think anybody would ever vote against it, if it was just simply that easy. On the other hand, you've got 5 million dollars of tax payer money, who to a company, that frankly is completely unproven at this point. It's a great idea and I'm very happy that Miss Dewey was able to visit the facility out in Nevada, Mr. Geldmacher and Mr. Haney for attending tonight. Being good stewards of the public money sometimes means looking at somebody right in the eye and trusting what they are going to say and what they are going to do. I've gotten that sense tonight. Sometimes they say if it's too good to be true, it just might. But then listen to Miss Braker, she said it is. It is too good. You know, not to be true but this is true. This is going to happen and I think we've done everything we can to minimize the risk. We've never taken this step before, this kind of money and this sort of startup. I think their word in securing the 5 million dollars, if they monetize the PPA they have with Vectren and paying this loan off is just enough security that I need. And for that reason, I vote aye.

**Weaver:** Aye.

**Robinson:** I am glad to see that Evansville is taking the next step today and becoming an innovative community. I like to think of us as being the apple of Evansville. Therefore I vote aye.

**Ayes:** Mosby, Adams, O'Daniel, Weaver, Robinson.

**Nays:** McGinn, Brinkerhoff-Riley, Friend, Lindsey.

There being five (5) Ayes and four (4) Nays, Ordinance F-2012-1 as amended is hereby declared adopted.

### **MISCELLANEOUS BUSINESS**

There will not be a City Council Meeting on Monday, April 2, 2012. The next City Council meeting will be Monday, April 9, 2012 at 5:30 p.m. Committee Meetings will begin at 5:10 p.m. on April 9, 2012.

### **COMMITTEE REPORTS:**

#### **FINANCE COMMITTEE:**

Resolution C-2012-3

Date: April 9, 2012

Time: 5:10 p.m.

Notify: Debbie Dewey (GAGE)

#### **CHAIRMAN FRIEND**

Declaring an Industrial Recovery

Site for 5401 US Highway 41

Ordinance F-2012-2

Date: April 9, 2012

Time: 5:15 p.m.

Notify: Russell G. Lloyd, City Controller

Authorizing Transfers of Appropriations,  
Additional Appropriations, and Repeal  
and Re-appropriation of funds

**ASD COMMITTEE:**

Ordinance G-2012-5

Date: April 9, 2012

Time: 5:20 p.m.

Notify: Janet Greenwell (APC)

**CHAIRWOMAN MOSBY**An ordinance amending the Municipal Code  
concerning the zoning code**PUBLIC WORKS COMMITTEE:**

Nothing scheduled at this time.

**CHAIRMAN McGINN****YOUTH LEADERSHIP GRANT SUBCOMMITTEE MEETING**

Date: April 9, 2012

Time: 4:00 p.m.

Room: 318

Notify: Chairman Dan Adams

Council Members: Missy Mosby, Conor O'Daniel, Stephanie Brinkerhoff-Riley, Al Lindsey

**YOUTH SPORTS GRANT SUBCOMMITTEE MEETING**

Date: April 10, 2012

Time: 4:00 p.m.

Room: 301

Notify: Chairman Dan McGinn Council Members: Missy Mosby, Jonathan Weaver, John Friend, Connie Robinson

**Robinson:** Before we adjourn, we had two people in the audience who wanted to speak. Are they still in the council chambers? Okay, you can come forward.

**Griffin:** Bruce Griffin, 4100 Court, Evansville. Now I've got to get my notes. Don't want to make a public spectacle of myself if I don't. You know that I like talking about Downtown development, that's my deal. That's what this is all about. It will just take a couple of minutes. I've watched with much interest and pride as the Ford Center has already proven a great new addition to Downtown Evansville. Over 300 thousand patrons have walked through the doors of the arena and brought with them the promise fulfilled of jobs, prosperity and growth for our City. This is the crux of my comments tonight, now is the time to seize the momentum that Downtown Evansville has realized in the past four months, actually I think it's in the fifth month now, by filling up any and all vacancies on Main Street. My message is meant to be heard by all in attendance tonight and those watching the broadcast on WNIN, whether you are a part of the decision making process or not. I've got a few ideas for a better downtown. I'm calling for our local economic development officials and agencies to define specific retail market needs for downtown right now. Because you know we've got some empty spaces on the walkway and I think we need to define what the market is for new businesses. By establishing what retail sectors are being underserved in Downtown Evansville, we can then embark on a unified effort to fill those needs by attracting businesses to the City center that can be proven profitable. I would like to see also, this is a totally separate thing, but I would like to see a request tendered to Simon Properties in Indianapolis for a visit to our Downtown to showcase the progress we've made in terms of attracting these thousands of visitors to our area. I believe a privately financed and that's really you know I want to emphasize that, a privately financed retail and entertainment complex, a mall basically, complete with retail shops, eateries and even a multi-complex cinema, would fill a market niche that currently is being under served in the Downtown area. Simon Properties might be interested in developing a smaller version of Circle Center Mall in our Downtown. Furthermore, Salt Lake City has a development which was dedicated I believe last week, City Creek Center. You might go on the internet and see what they've done there with an indoor/ outdoor retail and entertainment complex. It's pretty interesting and I think it's going to be a big success there. We might adapt that kind of development to Downtown Evansville, again on maybe a smaller scale. We've got Casino Aztar in place, which due to facility improvements and increased traffic

from the new arena has already shown 2 percent growth in the first couple of months of 2012. We've added the Ford Center, which is probably heading towards 400 thousand admissions by the end of April; let's hope the Icemen can get to the finals of the CHL playoffs. I think we will get toward that 400 thousand mark, which to me is phenomenal. I firmly believe that now is the time to add some retail options Downtown, not only for Downtown residents and workers alike, but also for the thousands of patrons who come from nearby cities and towns looking for retail and entertainment options aside from Aztec and the Arena. Talk about location, I'd put it right smack dab at the crossroads between the Arena and the Boat. You know how the boat is located on the Northwest side of Downtown, the arena is on the Southeast side of the Downtown core. I would park a new mall right at the block north of the Hulman Building, that two block area. I know there is the Bicentennial Park thing, my idea is to put that Bicentennial Park right next to Old National Bank. Because on the Greyhound block you could build a multilevel parking garage to service the mall up around and over the Greyhound Bus Station. So I think all that coming together at the crossroads, at the midway point between the arena and the boat. You would have the arena, the mall, the boat, those three destination places coming together. I think it would draw a lot of people. Just my two cents. My intention in addressing this meeting tonight is to ramp up our city's efforts in attracting a growing number of visitors and patrons to downtown, if nothing else, maybe my words can inspire much needed dialogue on what we can all do to foster further progress for downtown Evansville. I believe we are almost there in terms of creating a vibrant active center for commerce and trade downtown and I think we now need to double our efforts in promoting downtown as a viable area for new businesses to locate. Real quickly, if I wanted to buy a pair of shoes downtown, I don't think I can do that, so let's get Shoe Carnival down there. Maybe a Shoe Carnival, a Finish Line, Foot Locker, there's a lot of walking and running events downtown during the good weather months. I think that would fill a niche there, bring Libs Candies back, get Mike Libs to come back downtown and do business. A florist, a place you can get flowers for your honey before you go home from the office. just some ideas, food for thought.

**Robinson:** I think those are some good ideas. I think you could present it to the Redevelopment Commission or you could leave it here and we can make sure madam clerk gives a copy to the Redevelopment Commission because that's what they are charged to do. I think those are some excellent ideas in bringing additional life back into downtown.

**Griffin:** I would like to make a copy and bring it to your office tomorrow.

**O'Daniel:** And feel free to talk to Miss Dewey because I'm sure she is very interested in these sort of things too.

**Griffin:** I have a love and loyalty to downtown and I think you know that after hearing me so many times talk about this. I've walked these streets and lived and worked and played downtown and I just keep coming up with these ideas for I think will work. I've got a pretty good idea, pretty good handle what's going on down here and I'm just thrilled with the Ford Center and all that. We are bringing these people in by the thousands and if you give us some retail options, I think that's the icing on the cake.

**Robinson:** That's the only thing that's missing downtown is retail options.

**Griffin:** The multiplex cinema, I know Steiler didn't go through with it but I believe there is a niche for that even. Like maybe just two screens, just a two screen theater in the heart of downtown, would be part of a mall probably. Crossroads Plaza in Salt Lake City was built in 1980, it was a dead zone at that time, it made all the difference in the world and I think it would do the same for Evansville.



**A Vibrant , Active Main Street is the goal for Downtown!**

I've watched with much interest and pride as the Ford Center has already proven a great new addition to downtown Evansville. Over 300,000 patrons have walked through the doors of the arena and brought with them the promise fulfilled of jobs, prosperity and growth for our city!

Now is the time to seize the momentum that downtown Evansville has realized in the past 4 months by filling up any and all vacancies on Main Street.

My message is meant to be heard by all in attendance tonight and those watching the broadcast on WNIN, whether you are a part of the decision-making process or not.

Here are a few of my ideas for a better downtown.

1. I would like to see a concerted effort made to establish an inventory of vacant store fronts on Main Street.
2. I'm calling for the adoption of a plan(not another study) by our local economic development agencies to define specific retail market needs for downtown. By establishing what retail sectors are being underserved in downtown Evansville...we can then embark on a unified effort to fill those needs by attracting businesses to the city center that can be proven profitable.
3. I would like to see a request tendered to Simon Properties in Indianapolis for a visit to our downtown to showcase the progress we've made in terms of attracting hundreds of thousands of visitors to the area! I believe a privately-financed retail/entertainment complex complete with retail shops, eateries, and even a multi-plex cinema would fill a market niche that currently is being underserved. Simon Properties might be interested in developing a smaller version of Circle Center Mall in our downtown. And, furthermore I would suggest that all who hear my words go online to City Creek Center.com to check out the possibilities for such a promising addition to downtown Evansville.
4. We've got Casino Aztar...which due to increased traffic from the new arena...has already shown 2% growth in the first few months of 2012!

We've added the Ford Center, which is probably heading toward the 400,000 admissions mark by the end of this month!

5. I firmly believe that now is the time to add some retail options , not only for downtown residents and workers alike. But, also, for the thousands of patrons who come from nearby cities and towns looking for retail/entertainment options aside from Aztar and the Arena.
6. My intention in addressing this meeting tonight is to ramp up our city's efforts in attracting a growing number of visitors/patrons to downtown. If nothing else....maybe my words can inspire some much-needed dialogue on what we all can do to foster further progress for downtown Evansville. We're almost there in terms of creating a vibrant, active center for commerce and trade downtown. We now need to double our efforts in promoting downtown as a viable area for new businesses to locate!  
Thank you for your time!

Sincerely,  
Bruce Griffin,  
Evansville

**Robinson:** Thank you, thank you. I have someone else under miscellaneous. Deanne Kempa? I'm not sure I pronounced it right. Why don't you give us the correct name?

**Kempa:** No never mind, it's not..... inaudible...miscellaneous.....animal crap...what it was so .....miscellaneous.

**Robinson:** Okay that's just your, you are under that part of the business. Okay.

**Kempa:** It's perception.

**Robinson:** Perception, okay, at this point it could be anything, it's ten after eight.

**Kempa:** I know, I'm tired, aren't you?

**Robinson:** Why don't you give us the correct name.

**Kempa:** I have no idea who I am. Diana Deanne Kempa, but I go by, sometimes when I get a microphone in my face when I'm someplace else because I'm an activist.

**Robinson:** So you are Warrick and Iowa?

**Kempa:** Yeah and I'm in the process of moving to Evansville.

**Robinson:** Okay.

**Kempa:** Up by Theater Drive and Saratoga, if that man gets the place cleaned up right. You know, the man.

**Robinson:** Okay, what can we do for you?

**Kempa:** I just have a question, would you like to save Evansville roughly 2 million dollars? Real quick, everybody who knows me, knows I don't want hoopla and prefer to be anonymous, I'm bashful.

**Robinson:** Well, you're on television now.

**Kempa:** No, I'm not.

**Robinson:** Yes you are.

**Kempa:** Oh, that's kind of scary. Okay, let's start at the beginning. I came back here, I came back to Evansville two years ago to start a family social network. At the behest of Sheriff Eric Williams when he sent me an email out of Kiplingers Finance magazine naming Evansville number one City to go to school, stay at work and raise a family and by college students. I'm still struggling like everybody else, but jump to the future here. I would like to see Evansville save, like I said, 2 million dollars to apply elsewhere instead of 2 nuisance lawsuits determining, determined to drag out a year at least. I would like to ask you please adopt, consider adopting the smoking ban already passed in Indianapolis a couple of weeks ago, that exempted the bars. Oh boy, could you please hand me those? I forgot.

**Weaver:** Do you want it more or less restrictive than what was just passed?

**Kempa:** I would like to have it turned over, you see maybe I'm just too short. I would like to see it turned over because the way it was done, I consider it, I can't even read now and I just wrote this because I thought I was going to come here and say four lines and get it over with. That's before I fell asleep. But anyway, I've only got like three lines and I'm done. The smoking ban to exempt the bars and private clubs, just do the right thing. I won't go into any technical points here, however we all know it's a double standard contradiction. These businesses are very upset right now and their livelihood is at stake just as Aztar employees demonstrated here two weeks ago. I intend all of them to get smoke eaters, because when you've been in some places and they have them, it's pretty nice. I don't smoke, I can't stand it, I have a web site dedicated to making people stop. Just two more lines, I already said that. Oh I also want to know if I can come back in here and get a five hundred, five million, no just a little bitty loan, because my business that I came here to build was a social network. A family network where in one building a family can come do their thing and separate. It's a great idea but you know the economy has hit all of us.

**Robinson:** inaudible.

**Kempa:** It's a social network that starts out with an internet café and fast food places and I have some that are already interested that want to set up one or two nights a week.

**Robinson:** Debbie Dewey is out in the hallway. You need to go and talk to her before she leaves. She would be the one that could assist you.

**Kempa:** Why?

**Robinson:** If you want that loan.

**Kempa:** Maybe I'm joking, I don't know. Okay.

**Matlock:** Is this your card that I have maam?

**Kempa:** Yeah. That's my, it's a PR firm. Now I'm into a little bit of everything. I've got stuff going on in Iowa and Ohio.

**Matlock:** We are in Evansville tonight.

**Kempa:** I know, and Evansville, believe it or not, this is where everybody wants to come back to.

**Matlock:** Yes it is.

**Kempa:** So, I'm just hoping you are going to consider that. To overturn it and exempt the bar owners because they did it in Indianapolis anyway. And these people are pretty upset. I'm upset, when I said a double sided thing here, I want to see the rules reinforced regarding taverns because a lot of them are doing stuff that...

**Robinson:** Let me tell you, you would have to find a council member to amend the Ordinance because we have already passed the ordinance. So you can get with madam clerk and she will give you an email address and telephone number of council members.

**Kempa:** You mean I don't have a sponsor?

**Robinson:** No, you have to get one.

**Hamilton:** There will be a public hearing, it's going to be a court proceeding on Wednesday, over these issues.

**Kempa:** Now who is the attorney?

**Hamilton:** Which is an open area, it is an open proceeding and I believe Charlie Berger is one of the attorneys and Les Shively the other. I am sure they would welcome your input if you choose to talk to them.

**Kempa:** Okay, because when this started the day after this vote came down, I called, I don't know how many of them and I was invited to different bar owners and operators groups.

**Robinson:** inaudible.

**Kempa:** But this is something I made yesterday and today and it's online already, that this is not a smoke free Evansville.

**Robinson:** inaudible.

**Kempa:** I'm sorry that I am so nervous.

**Robinson:** inaudible.

**Kempa:** I would like to be in a movie.

**Robinson:** Do I have a motion for adjournment?

**ADJOURNMENT**

Councilwoman Mosby moved and Councilman Weaver seconded the motion to adjourn. Voice Vote. So Ordered. Meeting adjourned at 8:20 p.m.



Constance Robinson, President



Alberta Matlock, City Clerk

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**RECOGNITION OF SCHOOLS**

**TEEN ADVISORY COUNCIL**

**READING AND AMENDMENT OF MINUTES**

**REPORTS AND COMMUNICATIONS**

**CONSENT AGENDA**

**FIRST READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE G-2012-5                      A.S.D.                      MOSBY**

An Ordinance amending the Municipal Code of the City of Evansville: Zoning Code.

**ORDINANCE F-2012-2                      FINANCE                      FRIEND**

An Ordinance of The Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations and repeal and re-appropriation of funds for various city funds.

**RESOLUTION C-2012-3                      FINANCE                      FRIEND**

A Resolution of the Common Council of the City of Evansville Declaring an Industrial Recovery Site for 5401 US highway 41 North, Evansville, IN 47711

**CONSENT AGENDA**

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE F-2012-1                      FINANCE                      FRIEND**

An Ordinance of the Common Council of The City of Evansville, Indiana authorizing the issuance and sale of City of Evansville, Indiana Taxable Economic Development Revenue Bonds, Series 2012 (Earthcare Project), and the lending of proceeds thereof to Earthcare Energy, LLC and authorizing and approving other actions in respect thereto.

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE F-2012-1                      FINANCE                      FRIEND**

An Ordinance of the Common Council of The City of Evansville, Indiana authorizing the issuance and sale of City of Evansville, Indiana Taxable Economic Development Revenue Bonds, Series 2012 (Earthcare Project), and the lending of proceeds thereof to Earthcare Energy, LLC and authorizing and approving other actions in respect thereto.

**MISCELLANEOUS BUSINESS**

There will not be a City Council Meeting on Monday, April 2, 2012. The next City Council meeting will be Monday, April 9, 2012 at 5:30 p.m. Committee Meetings will begin at 5:10 p.m..on April 9, 2012.

**ADJOURNMENT**

# **CITY COUNCIL COMMITTEE MEETING SCHEDULE**

## **March 26, 2012**

### **FINANCE COMMITTEE:**

### **CHAIRMAN FRIEND**

Ordinance F-2012- 1

Earthcare Project Bond Series 2012

Date: March 26, 2012

Time: 5:20

Notify: Jane Reel DMD/Debbie Dewey (GAGE)

## **April 9, 2012**

### **YOUTH LEADERSHIP GRANT SUBCOMMITTEE MEETING**

Date: April 9, 2012

Time: 4:00 p.m.

Room: 318

Notify: Chairman Dan Adams

Council Members: Missy Mosby, Conor O'Daniel, Stephanie Brinkerhoff-Riley, Al Lindsey

## **April 9, 2012**

### **FINANCE COMMITTEE:**

### **CHAIRMAN FRIEND**

Resolution C-2012-3

A Resolution declaring an Industrial Recovery

Date: April 9, 2012

Site for 5401 US Highway 41

Time: 5:10 p.m.

Notify: Debbie Dewey (GAGE)

Ordinance F-2012-2

Authorizing Transfers of Appropriations,

Date: April 9, 2012

Additional Appropriations, and Repeal

Time: 5:15 p.m.

and Re-appropriation of funds

Notify: Russell G. Lloyd, City Controller

### **A.S.D. COMMITTEE:**

### **CHAIRWOMAN MISSY MOSBY**

Ordinance G-2012-5

An ordinance amending the Municipal Code

Date: April 9, 2012

concerning the zoning code

Time: 5:20 p.m.

Notify: Janet Greenwell (APC)

## **April 10, 2012**

### **YOUTH SPORTS GRANT SUBCOMMITTEE MEETING**

Date: April 10, 2012

Time: 4:00 p.m.

Room: 301

Notify: Chairman Dan McGinn

Council Members: Missy Mosby, Jonathan Weaver, John Friend, Connie Robinson

The Honorable Council of the City of Evansville is hereby called to order. Madam Clerk, please call the roll.

**ROLL CALL**

✓ M<sup>c</sup>GINN

✓ FRIEND

✓ O'DANIEL

✓ MOSBY

✓ LINDSEY

✓ WEAVER

✓ BRINKERHOFF-RILEY

✓ ADAMS

✓ ROBINSON

There being 9 members present, 0 members absent, and 9 members representing a quorum, I hereby declare this session of Common Council officially opened.

**PLEDGE OF ALLEGIANCE**

This evening the pledge of allegiance will be led by Mosby.

Fellow Councilmen and those in the audience, welcome to the March 26, 2012 meeting of the Common Council.

**RECOGNITION OF SCHOOLS**

Are there any students in the audience who would like to be recognized?

SCHOOL: \_\_\_\_\_  
NAME: \_\_\_\_\_

SCHOOL: \_\_\_\_\_  
NAME: \_\_\_\_\_

**TEEN ADVISORY COUNCIL**

Will Boston \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**COUNCIL ATTORNEY**

This evening John Hamilton is City Council Attorney.

**SERGEANT AT ARMS**

This evening Officer: NONE is our Sergeant at Arms.

**READING AND AMENDMENT OF MINUTES OF PRECEDING MEETING**

Is there a motion to approve the minutes of the March 12, 2012 meeting of the Common Council as written?

Councilman Mosby moved and Councilman Weaver seconded the motion that the minutes of the regular meeting of the Common Council held March 12, 2012 be approved as written. Voice vote. \_\_\_\_\_ So ordered. \_\_\_\_\_



**REPORTS AND COMMUNICATIONS**

**IN YOUR MARCH 23<sup>RD</sup> PACKET:**

- \*City Council Agenda for March 26, 2012.
- \*City Council Meeting Minutes from the March 12, 2012.
- \*Committee Meeting Schedule.
- \*Revised Ordinance F-2012-1 and redline copy of F-2012-1.
- \*Ordinances G-2012-5 and F-2012-2.
- \*Resolution C-2012-3.
- \*Revised Rezoning Ordinance R-2012-5.
- \*A letter from Brad Mills, APC Executive Director regarding Ordinance G-2012-5.

**ON YOUR DESK THIS EVENING:**

- \*2011 Annual Financial Report from Mayor Lloyd Winnecke.
- \*State of Indiana Department of Local Government Finance Order.
- \*A copy of an Email from John Friend to Debbie Dewey concerning EarthCare.
- \*Birthday Invitation to The Koch Family Children's Museum of Evansville's Bicentennial Party.
- \* *Evansville Bond Bank Financial Highlights.*

Councilman Friend moved and Councilman O'Daniel

seconded the motion to receive, file and make these reports and communications a part of

the minutes of the meeting. Voice vote. ✓ So ordered. ✓

**CONSENT AGENDA**

**FIRST READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE G-2012-5**

**A.S.D.**

**MOSBY**

An Ordinance amending the Municipal Code of the City of Evansville: Zoning Code.

**ORDINANCE F-2012-2**

**FINANCE**

**FRIEND**

An Ordinance of The Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations and repeal and re-appropriation of funds for various city funds.

**RESOLUTION C-2012-3**

**FINANCE**

**FRIEND**

A Resolution of the Common Council of the City of Evansville Declaring an Industrial Recovery Site for 5401 US highway 41 North, Evansville, IN 47711

Is there a motion to adopt the Consent Agenda, First Reading as written?

Councilman Mosby moved and Councilman Adams seconded the

Motion to adopt the Consent Agenda First Reading as written.

Voice vote. ✓ So ordered. ✓

as Amended

**CONSENT AGENDA**

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE F-2012-1**

**FINANCE**

**FRIEND**

An Ordinance of the Common Council of The City of Evansville, Indiana authorizing the issuance and sale of City of Evansville, Indiana Taxable Economic Development Revenue Bonds, Series 2012 (EarthCare Project), and the lending of proceeds thereof to EarthCare Energy, LLC and authorizing and approving other actions in respect thereto.

**COMMITTEE REPORTS:**

**FINANCE COMMITTEE**

**CHAIRMAN JOHN FRIEND**

**Councilman Friend:** Mr. President, your Finance Committee met this evening to hear Ordinance F-2012-1 as amended and it comes forward with a (do-pass/do not pass) recommendation.

O'Daniel  
Hamilton  
O'Daniel  
Hamilton  
Nick Sereno  
O'Daniel  
Sereno  
O'Daniel  
Sereno  
McGinn  
Hamilton  
O'Daniel  
Friend

Councilman Mosby moved and Councilman Adams seconded the motion to adopt the Committee Report and move this ordinance to Third Reading.

Voice vote. So ordered. ✓

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE F-2012-1 as amended      FINANCE      FRIEND**

An Ordinance of the Common Council of The City of Evansville, Indiana authorizing the issuance and sale of City of Evansville, Indiana Taxable Economic Development Revenue Bonds, Series 2012 (EarthCare Project), and the lending of proceeds thereof to EarthCare Energy, LLC and authorizing and approving other actions in respect thereto.

Is there a motion to adopt Ordinance F-2012-1 as amended and call the roll?

Councilman Adams moved and Councilman Weaver seconded the motion to adopt Ordinance F-2012-1 as amended and call the roll.

**ROLL CALL**

<u>NO</u> MCGINN <i>spoke</i>	<u>NO</u> FRIEND <i>spoke</i>	<u>✓</u> O'DANIEL <i>spoke</i>
<u>✓</u> MOSBY	<u>NO</u> LINDSEY <i>spoke</i>	<u>✓</u> WEAVER
<u>NO</u> BRINKERHOFF-RILEY <i>spoke</i>	<u>✓</u> ADAMS <i>spoke</i>	<u>✓</u> ROBINSON

There being 5 Ayes and 4 Nays, Ordinance F-2012-1 as amended is hereby declared ADOPTED/~~DENIED~~.

**MISCELLANEOUS BUSINESS**

There will not be a City Council Meeting on Monday, April 2, 2012. The next City Council meeting will be Monday, April 9, 2012 at 5:30 p.m. Committee Meetings will begin at 5:10 p.m. on April 9, 2012.

Bruce Gr. Friend / Robinson  
Robinson  
C. Friend  
O'Daniel  
Robinson

**COMMITTEE REPORTS:**

**FINANCE COMMITTEE:**

Ordinance F-2012- 1

Date: March 26, 2012

Time: 5:20

Notify: Jane Reel DMD/Debbie Dewey (GAGE)

**CHAIRMAN FRIEND**

EarthCare Project Bond Series 2012

Resolution C-2012-3

Date: April 9, 2012

Time: 5:10 p.m.

Notify: Debbie Dewey (GAGE)

Declaring an Industrial Recovery

Site for 5401 US Highway 41

Ordinance F-2012-2

Date: April 9, 2012

Time: 5:15 p.m.

Notify: Russell G. Lloyd, City Controller

Authorizing Transfers of Appropriations,  
Additional Appropriations, and Repeal  
and Re-appropriation of funds

**ASD COMMITTEE:**

Ordinance G-2012-5

Date: April 9, 2012

Time: 5:20 p.m.

Notify: Janet Greenwell (APC)

**CHAIRWOMAN MOSBY**

An ordinance amending the Municipal Code  
concerning the zoning code

**PUBLIC WORKS COMMITTEE:**

Nothing scheduled at this time.

**CHAIRMAN McGINN**

**YOUTH LEADERSHIP GRANT SUBCOMMITTEE MEETING**

Date: April 9, 2012

Time: 4:00 p.m.

Room: 318

Notify: Chairman Dan Adams

Council Members: Missy Mosby, Conor O'Daniel, Stephanie Brinkerhoff-Riley, Al Lindsey

**YOUTH SPORTS GRANT SUBCOMMITTEE MEETING**

Date: April 10, 2012

Time: 4:00 p.m.

Room: 301

Notify: Chairman Dan McGinn

Council Members: Missy Mosby, Jonathan Weaver, John Friend, Connie Robinson

**ADJOURNMENT**

Councilman Friend moved and Councilman Mosby

seconded the motion to adjourn. Voice Vote. \_\_\_\_\_ So Ordered. \_\_\_\_\_

Meeting adjourned at 8:20 p.m.